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N.J. BOARD OF DENTISTRY
ON 9-20-96 cm

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

GLEN R. WISCH, D.D.S.

LICENSED TO ENGAGE IN THE
BUSINESS OF DENTISTRY IN
THE STATE OF NEW JERSEY.

Administrative Action

FINAL DECISION AND ORDER

13060
Fair Lawn

THIS MATTER was opened to the New Jersey State Board of Dentistry (hereinafter the "Board"), pursuant to the terms of a Consent Order filed July 12, 1996. This matter originally came to the Board's attention upon receipt of information that on or about July 15, 1995, a Judgment of Conviction was entered in the Rhode Island Superior Court wherein respondent Glen R. Wisch, D.D.S. (hereinafter "Respondent"), entered a plea of nolo contendere to the offense of filing false Medicaid documents in violation of G.L. 40-8.2 and 8.3 (A) (7) (e) and obtaining money under false pretenses in violation of G.L. 40-8.2-3(A) (15). The plea of nolo contendere was entered on or about July 18, 1995. Respondent was sentenced to seven (7) years at the Adult Correctional Institutions, which sentence was suspended to be served as seven (7) years probation. In addition, respondent was ordered to pay \$10,000 in restitution to the Rhode Island Medicaid Program.

The Rhode Island Board of Examiners in Dentistry charged respondent with a violation of Chapter 5-31.1-10 of the General Laws of the State of Rhode Island, 1956, as amended, based on allegations that (1) respondent allowed an unlicensed employee under his control and supervision to provide dental care for patients at Bay Tower Nursing Home in Providence, Rhode Island; and (2) on diverse dates in October 1990, respondent billed and collected fees for alleged dental work, which was performed by someone other than a licensed dentist or dental hygienist, for patients at Bay Tower Nursing Home. Respondent and the

Rhode Island Board entered into a Consent Order in which respondent agreed to a nine (9) month active suspension of his license to practice dentistry and the payment of costs in the amount of \$4,000.

On July 12, 1996, respondent entered into a consent agreement with the New Jersey State Board of Dentistry. By way of Consent Order, respondent admitted that the crimes for which he had been convicted are crimes of moral turpitude and/or crimes relating adversely to the practice of dentistry providing grounds for suspension or revocation of licensure pursuant to N.J.S.A. 45:1-21(f). The Order set out the parameters of penalty which included a ninety (90) active period of suspension. (A copy of the Consent Order is attached hereto and incorporated in the within Order in its entirety by reference.) The Order also provided that respondent would be afforded the opportunity to appear with counsel to address the Board in mitigation of penalty.

A hearing of mitigation of penalty was held on August 21, 1996. The Attorney General of New Jersey, through Deputy Attorney General Joyce Brown, prosecuted the case and entered the following documents into evidence:

- S1 Consent Order dated July 12, 1996 entered into between the New Jersey Board of Dentistry and Respondent Glenn R. Wisch, D.D.S.; and
- S2 Judgment of Conviction and Commitment dated July 18, 1995 and filed in the Superior Court of Rhode Island, Case No. P2951897A.

Respondent was represented by Hirsch, Newman & Simpson, Esqs., (Ian J. Hirsch, Esq., appearing). The following documents were entered into evidence on behalf of respondent:

- D1 Letter dated June 30, 1995 from the Rhode Island Attorney General to respondent's attorney; and
- D2 A chart, consisting of the dates of service and amounts paid to respondent on behalf of each patient, which lays out the specifics for each Count of the Information that respondent pled in the Judgment of Conviction.

In mitigation of any penalty, the following dentists, Dr. Jerome Lipsenthal, Dr. Calvin Reeman, and Dr. Jerome Rosenberg, testified on

respondent's behalf; Marvin Wisch, M.D., testified on his son's behalf; and respondent, Dr. Glen Wisch, spoke on his own behalf.

Mr. Hirsch presented both opening and closing statements on behalf of respondent. Initially, Mr. Hirsch pointed out to the Board that, although there were over 100 Counts in the Information, the amount of fraud totaled \$3,647. On behalf of respondent, Mr. Hirsch directed to the Board's attention to the fact that respondent has been dealing with this matter since 1989 to the present date and is remorseful for his actions. Counsel urged the Board to take into consideration the length of time this matter has been outstanding; the penalties imposed as a result of the Rhode Island Superior Court Judgment of Conviction and the Rhode Island Board of Dentistry Consent Order; as well as the personal losses suffered by respondent of his home in Rhode Island, his practice in Rhode Island, and two marriages. All of those factors considered, Mr. Hirsch asked the Board to reduce the active period of suspension from 90 days to 60 days.

Dr. Lipsenthal testified on respondent's behalf. Dr. Lipsenthal stated that he has medical problems and employed respondent to help keep his practice functioning. Dr. Lipsenthal asked the Board to take into account the degree to which respondent has already suffered as a result of his action.

Respondent's father, Marvin Wisch, is a family practitioner. Dr. Wisch testified that he has watched his son's life being destroyed as a result of this matter. Dr. Marvin Wisch implored the Board to be lenient on his son.

Drs. Reeman and Rosenberg both stated that they were familiar with the quality of respondent's dental work and testified that respondent is a good dentist who enjoyed a fine reputation until these events occurred.

Respondent testified on his own behalf and expressed remorse for his actions. Respondent asked the Board to take into account the length of time over which this matter has extended and the extent to which respondent has been punished as a result of the Rhode Island prosecutions. Respondent told the Board that this was a very humiliating experience in which he was forced to revert to his family for support. Respondent asked the Board for mercy in determining his

penalty so that he could put this behind him and begin to put his life back together again.

The Board conducted its deliberations in Executive Session on August 21, 1996. The Board thoroughly considered the record before it. Notwithstanding the tremendous effects this matter has had on respondent's life, the Board must take into account that respondent admitted that he has been convicted of crimes of moral turpitude and/or crimes relating adversely to the practice of dentistry providing grounds for suspension or revocation of licensure pursuant to N.J.S.A. 45:1-21(f).

The Board finds that there is ample basis for sanctions against respondent in light of the above. The authority to practice dentistry in the State of New Jersey is a privilege not to be taken lightly. As unfortunate as respondent's circumstances may have been, the Board cannot let sympathy for the licensee outweigh its greater duty to assure confidence in the integrity of licensees to those individuals who seek dental services. We are satisfied, however, that the public interest is adequately served by imposition of sixty (60) days active suspension,

IT IS, therefore, on this 17 day of Sept, 1996,
ORDERED, that:

1. Respondent's license to practice dentistry in the State of New Jersey shall be and hereby is suspended for a period of two (2) years and shall commence on September 1, 1996. Sixty (60) days shall be an active period so long as respondent complies with all the terms of the within Order. On the effective date of the active suspension, respondent shall submit his dentistry license, CDS and DEA registrations to the Board of Dentistry at 124 Halsey Street, Newark, New Jersey 07101 or surrender such credentials to the Board's designee. The respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered during the period of active suspension by other licensees for patients of respondent's practice.

2. Respondent has agreed to make payments to the Board in the amount of \$10,000 payable in twenty (24) monthly installments of \$416.66;

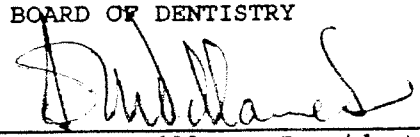
commencing within thirty (30) days of the entry date of this Order, the first installment shall be submitted to the Board of Dentistry by certified check or money order made payable to the State of New Jersey, State Board of Dentistry.

3. Respondent shall cease and desist from filing false Medicaid claims and obtaining money from Medicaid under false pretenses.

4. Respondent shall afford access to his dental office and shall submit to periodic random and unannounced audits by the Enforcement Bureau for the purpose of assuring the Board that respondent is receiving payment for dental services that have been actually performed by respondent. Said audits shall be conducted in a manner so as not to disrupt respondent's dental practice. Respondent shall be responsible for the costs of such audits. An Affidavit of Costs from the Enforcement Bureau shall be submitted to respondent subsequent to any such audit, and respondent shall submit payment to the Board in the amount of such costs no later than fifteen (15) days subsequent to his receipt of the Affidavit of Costs.

STATE BOARD OF DENTISTRY

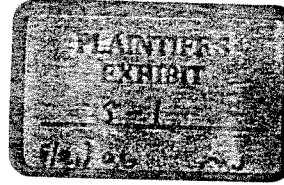
By


Anthony Villane, President

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE
OF

GLENN R. WISCH, D.D.S.

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

Administrative Action
CONSENT ORDER

This matter was opened to the State Board of Dentistry ("Board") on the basis of information received that on or about July 15, 1995, that a Judgment of Conviction and Commitment was entered in Rhode Island Superior Court wherein respondent entered a plea of nolo contendere of the offenses of filing false Medicaid documents in violation of G.L. 40-8.2-3(A)(7)(e) and obtaining money under false pretenses in violation of G.L. 40-8.2-3 (A)(15). Respondent was sentenced to 7 years at the Adult Correctional Institutions, which was suspended to be served as 7 years probation. In addition, he was ordered to pay \$10,000 in restitution to the Rhode Island Medicaid Program. The Rhode Island Board of Examiners in Dentistry charged respondent with violation of Chapter 5-31.1-10 of the General Laws of the State of Rhode Island, 1956, as Amended in that respondent did allow an employee under his control and supervision to provide dental care for patients at Bay Tower Nursing Home in Providence, Rhode Island even though said employee was not licensed to practice dentistry or dental hygiene in the

State. On diverse dates in October 1990, respondent did bill and collect fees for alleged dental work which was not performed by a licensed dentist or dental hygienist for patients at Bay Tower Nursing Home. Respondent and the Rhode Island Board entered into a Consent Order in which respondent agreed to a nine (9) month active suspension of his license to practice dentistry and the payment of costs in the amount of \$4,000.

Respondent admits that the crimes for which he has been convicted are crimes of moral turpitude and/or crimes relating adversely to the practice of dentistry providing grounds for suspension or revocation of licensure pursuant to N.J.S.A. 45:1-21(f).

It appears that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 10th DAY OF July 1996,
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry in the State of New Jersey shall be and hereby is suspended for a period of two years and shall commence twenty (20) days from the date of the mitigation hearing provided for in paragraph 5 of this Order. Ninety (90) days shall be active suspension and the remaining period of suspension shall be stayed and shall constitute a probationary period so long as respondent complies with all the terms of the within Order. On the effective date of the active suspension, respondent shall submit his dentistry license, CDS and DEA registrations to the Board of Dentistry at 124 Halsey Street, Newark, New Jersey 07101 or surrender such credentials to the Board's designee. The respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered during the period of active suspension by other licensees for patients of respondent's practice.

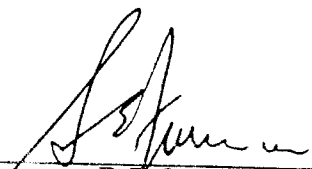
2. Respondent is hereby assessed a civil penalty in the amount of \$10,000 payable in twenty four (24) monthly installments of \$416.66; commencing within thirty (30) days of the entry date of this Order the first installment shall be submitted to the Board of Dentistry by certified check or money order made payable to the State of New Jersey, State Board of Dentistry.

3. Respondent shall cease and desist from filing false Medicaid claims and obtaining money

from Medicaid under false pretenses.

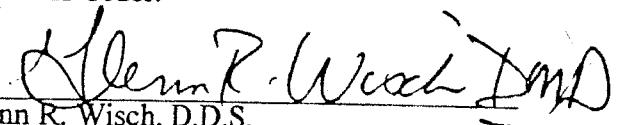
4. Respondent shall afford access to his dental office and shall submit to periodic random and unannounced audits by the Enforcement Bureau for the purpose of assuring the Board that respondent is receiving payment for dental services that have been actually performed by respondent. Said audits shall be conducted in a manner so as not to disrupt respondent's dental practice. Respondent shall be responsible for the costs of such audits. An Affidavit of Costs from the Enforcement Bureau shall be submitted to respondent subsequent to any such audit, and respondent shall submit payment to the Board in the amount of such costs no later than fifteen (15) days subsequent to his receipt of the Affidavit of Costs.

5. Respondent shall have the opportunity to appear before the Board with counsel on August 7, 1996 at 9 a.m. for the sole purpose of addressing the Board in mitigation of the disciplinary sanctions set forth above. Respondent, however, agrees to be bound to the terms set forth in this Consent Order in the event the Board does not reduce the period of suspension or modify any provision of the within Order after hearing respondent's arguments.



Samuel Farman, D.D.S.
President, State Board of Dentistry

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Glenn R. Wisch, D.D.S.